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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
CHANG YAN CHEN,
*on his own behalf and on behalf of others similarly
situated*

Plaintiff,
v.

LILI'S 200 WEST 57TH CORP
d/b/a Lil's 57 Asian Cuisine;
792 RESTAURANT FOOD CORP
d/b/a Lilli and Loo;
SIEW MOY LOW

Defendants.
-----X

Case No: 19-cv-07654 (VEC)

~~**PROPOSED JUDGMENT**~~

The Honorable Valerie Caproni, Magistrate Judge:

Whereas pursuant to Rule 68(a) of the Federal Rules of Civil Procedure, Defendants LILI'S 200 WEST 57TH CORP d/b/a Lili's 57 Asian Cuisine; 792 RESTAURANT FOOD CORP. d/b/a Lilli and Loo; and SIEW MOY LOW having offered to allow judgment be taken against them by consent Plaintiff CHANG YAN CHEN, in this action for a sum of **Fifty Thousand Dollars and No Cents (\$50,000.00)** exclusive of reasonable attorneys' fees and costs, to be determined by separate application to the Court (the "Fee Application"); the offer of judgment is made for purposes specified in Rule 68, and is not to be construed as an admission that the offerors are liable in this action or that consent Plaintiff CHANG YAN CHEN suffered any damage; Plaintiffs CHANG YAN CHEN, through John Troy, Troy Law PLLC, on having accepted and provided notice that they have accepted Defendants' Offer of Judgment, dated April 4, 2023, on April 7, 2023, and the matter having come before this Court, the Court now render it Order, that the Clerk should enter judgment dismissing the case in accordance with the acceptance of offer of judgment pursuant to Fed. R. Civ. P. 68 and directing the Clerk to close this case. It is hereby:

ORDERED, ADJUDGED, AND DECREED, that for the reasons stated in the offer and

acceptance of judgment pursuant to Rule 6, the Clerk shall enter judgment in the amount of **Fifty Thousand Dollars and No Cents (\$50,000.00)**, jointly and severally against Defendants LILI'S 200 WEST 57TH CORP d/b/a Lili's 57 Asian Cuisine; 792 RESTAURANT FOOD CORP. d/b/a Lilli and Loo; and SIEW MOY LOW, exclusive attorney's fees and costs now accrued; plus post-judgment interest pursuant to 28 U.S.C. 1961; and that if any amounts remain unpaid upon the expiration of 90 days following the issuance of judgment, or ninety days after expiration of the time of appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent, as required by NYLL 198(4).

It is further **ORDERED, ADJUDGED, AND DECREED**, that the amount of fees and costs due Plaintiff's counsel in this lawsuit will be determined by separate Fee Application to the Court. Defendants will be held liable for any and all fees and costs the Court may award pursuant to the Fee Application. For the purposes of the Fee Application, Defendants concede that Plaintiff are "prevailing parties" under the New York Labor Law and Fair Labor Standards Act. Plaintiff may apply for any and all reasonable fees, costs, and expenses incurred until and inclusive of the date the Fee Application is decided. The Court shall retain jurisdiction to determine the Fee Application, and the case shall remain open during the pendency of the Fee Application motion.

Dated: _____

U.S.D.J.

The Clerk of Court is respectfully directed to CANCEL all preexisting deadlines and conferences.

Any fee application must be filed not later than **Monday, May 1, 2023**.

SO ORDERED.

 04/10/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE